

Amendment and Response to Restriction Requirement
U.S. Application No. 10/509,622

Q8:855

REMARKS

Claims 1-10 are all the claims pending in the application.

Claim 1 is canceled.

Claims 3, 8 and 9 have been amended to delete their dependency from claim 1.

Accordingly, no new matter is added and entry of the amendment is requested, respectfully.

In response to the Restriction Requirement, Applicant elects Group V, claims 8 and 9 for examination. This election is made with traverse.

Specifically, Applicants assert that along with the claims of Group V, the claims of Group I (claim 2, drawn to an isolated NADPH oxidase) and of Group II (claim 3-5, drawn to an isolated polynucleotide encoding NADPH oxidase of claim 2) should also be examined pursuant to 37 C.F.R. § 1.475(b)(2).

37 C.F.R. § 1.475 provides that a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: ... (2) a product and a process of use of said product.

Applicants have elected Group V, which is directed to a method for screening a substance capable of inhibiting activity of a polypeptide, comprising a step of allowing a substance to be tested to contact with a cell expressing the polypeptide according to claim 2 (Group I). Thus, Group V is directed to a process of use of the polypeptide of Group I. Furthermore, Applicants request that Group II be included because a cell expressing the polypeptide according to claim 2 necessarily uses the subject matter of Group II, namely a polynucleotide coding for the polypeptide according to claim 2, an expression vector comprising the polynucleotide and a cell transformed with the expression vector.

Applicants are mindful of 37 C.F.R. § 1.475(e). However, upon removal of the restriction requirement as to at least the combination of Group V and Group I or Group V and Group II, all other claims will be canceled, and the application will contain claims drawn only to a process of use of one or both of the claimed products.

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In view of the above, reconsideration and removal of the restriction requirement as to Groups V, I and II is requested, respectfully. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

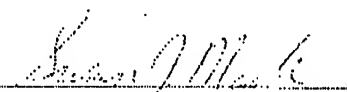
Respectfully submitted,

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